

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Dov Levavi	Team: Team # 2	CCRB Case #: 201115036	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 11/14/2011 10:00 PM	Location of Incident: New Lots Avenue and Georgia Avenue	Precinct: 75	18 Mo. SOL 5/14/2013	EO SOL 5/14/2013	
Date/Time CV Reported Mon, 11/14/2011 10:30 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 11/21/2011 2:52 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Matthew Borden	20404	936227	075 PCT
2. SGT Damon Martin	04173	920558	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Damon Martin	Abuse: Sgt. Damon Martin stopped § 87(2)(b)	
B.POM Matthew Borden	Abuse: PO Matthew Borden stopped § 87(2)(b)	
C.SGT Damon Martin	Abuse: Sgt. Damon Martin searched § 87(2)(b)	

### Case Summary

On November 14, 2011, § 87(2)(b) called the IAB command center to file a complaint (log # 11-52683) that was received by the CCRB on November 21, 2011. At approximately 10:00 p.m. on November 14, 2011, § 87(2)(b) was talking to a friend whose street name is "Wes" on the corner of New Lots Avenue and Georgia Avenue in Brooklyn. Officers pulled up in a navy blue unmarked van and approached § 87(2)(b) and his friend. Two plainclothes officers approached § 87(2)(b) (Allegations A-B). A friend of § 87(2)(b) later told him that one of the plainclothes officers was named Martin and the other was named Borden. A search of the CTS database revealed that these officers were Sgt. Damon Martin and PO Matthew Borden. PO Martin said that he saw § 87(2)(b) drop something on the ground. He searched around but did not find anything. PO Borden asked § 87(2)(b) if he had ever been arrested and warned § 87(2)(b) not to lie to him. PO Borden asked § 87(2)(b) to open his mouth and lift his tongue, but § 87(2)(b) refused. PO Borden put his hand in § 87(2)(b)'s right pants pocket and pulled out wrapping paper (Allegation C). PO Borden then frisked § 87(2)(b) but did not search him. The allegation of this frisk has been subsumed within the search, which occurred first and was more intrusive. PO Borden pointed a flashlight in § 87(2)(b)'s face and § 87(2)(b) tried to smack the flashlight away. PO Borden handcuffed § 87(2)(b). He accused § 87(2)(b) of swallowing something, which § 87(2)(b) denied. PO Borden put two fingers around § 87(2)(b)'s Adam's apple and squeezed it for about five seconds. The officers let § 87(2)(b) go after about thirty minutes. No arrests were made and no summonses were issued.

After his telephone statement on November 23, 2011, § 87(2)(b) stated that he had to speak with his lawyer before scheduling an interview or accepting mediation. Between November 29, 2011 and December 12, 2011, § 87(2)(b) was called four additional times. He answered the phone on December 1, 2011 and said he would need time to respond and schedule an appointment. Following that, two messages were left for § 87(2)(b). Unreturned letters were sent to § 87(2)(b) on December 12, 2011 and December 19, 2011. § 87(2)(b) has not responded to these contact attempts. A search of the Department of Correction Inmate Lookup Service revealed that § 87(2)(b) is not currently incarcerated.

§ 87(2)(b), § 87(2)(g)

Team: \_\_\_\_\_

Investigator: \_\_\_\_\_ :  
Signature \_\_\_\_\_ Print \_\_\_\_\_ Date \_\_\_\_\_

Supervisor: \_\_\_\_\_  
Title/Signature \_\_\_\_\_ Print \_\_\_\_\_ Date \_\_\_\_\_

Reviewer: \_\_\_\_\_  
Title/Signature \_\_\_\_\_ Print \_\_\_\_\_ Date \_\_\_\_\_

Reviewer: \_\_\_\_\_  
Title/Signature \_\_\_\_\_ Print \_\_\_\_\_ Date \_\_\_\_\_